

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**SAMUEL GOMEZ,**

**Defendant.**

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**No. : 11-CR-365 DB**

**MOTION TO RECONSIDER ORDER OF DETENTION**

COMES NOW Samuel Gomez, Defendant in the above-entitled case, and moves this Honorable Court to reconsider Order of Detention entered in this matter, and in support of same would show as follows:

1. On February 1, 2011 this Court issued an order of detention as to Samuel Gomez following a detention hearing on February 4, 2011.

2. On February 18, 2011, the undersigned was retained to represent Mr. Gomez.

3. The undersigned would respectfully recommend to the Court that Lucina Gomez be appointed Third-Party Custodian for her brother, Samuel Gomez. Lucina Gomez resides in El Paso, Texas, with her (and Samuel's) 83 year-old mother and the undersigned is requesting that the assigned Pretrial Services Officer interview Ms. Gomez to gauge her suitability as a Third-Party Custodian.

4. If Ms. Gomez is deemed a viable Third-Party Custodian, the undersigned respectfully requests the opportunity to address the Court with respect whether the appointment of a Third-Party Custodian, a bond, and perhaps home detention with electronic monitoring are adequate conditions to address any Court concerns about risk of flight and/or danger to the community.

5. AUSA Ken Kaplan was contacted regarding this motion and is opposed.

Respectfully submitted,

**/S/ Electronically Filed**

**LEON SCHYDLOWER**

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Texas State Bar No. 00795639

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of this instrument was served upon Assistant U.S. Attorney Ken Kaplan, U.S. Attorney's Office, 700 E. San Antonio, Suite 200, El Paso, Texas 79901 via CM/ECF system on this 28<sup>th</sup> day of February, 2011.

**/S/ Electronically Filed**

**LEON SCHYDLOWER**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

**UNITED STATES OF AMERICA,**

**v.**

**SAMUEL GOMEZ,**

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**No. : 11-CR-365 DB**

**ORDER**

The Court, having considered Samuel Gomez's motion to reconsider detention, finds that said motion should be, in all things, GRANTED.

A hearing on this matter is set for \_\_\_\_\_.

SO ORDERED.

\_\_\_\_\_  
UNITED STATES MAGISTRATE JUDGE